



Office of Glenn D. Levy to Donald E. Wilson, attached hereto and incorporated by reference herein. On August 12, 2011, counsel for Defendants agreed to the proposed Scheduling Order. *See* Exhibit "B," Correspondence of 8/12/2011 from Donald E. Wilson to Glenn D. Levy.

4. Notwithstanding the agreement of the parties on a proposed Scheduling Order, a copy of which is attached hereto as Exhibit "C," the parties inadvertently failed to file this Agreed Scheduling Order. Plaintiff now respectfully asks this Court to reinstate its Order of Dismissal based upon the fact that the failure to comply with this Court's prior order to submit a proposed scheduling order was inadvertent and unintentional. Rather, the parties conferred in good faith on the proposed Agreed Scheduling Order, a copy of which is attached.

**PRAYER**

WHEREFORE, PREMISES CONSIDERED, Plaintiff asks this Court to reconsider its prior Order of Dismissal, reinstate the above-styled and numbered cause, and adopt the proposed Agreed Scheduling Order as controlling the disposition of this case.

Respectfully submitted,

By: /s/ Glenn D. Levy

GLENN D. LEVY

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**ATTORNEY FOR PLAINTIFF,**

**JULLIE A. TORRES**

**CERTIFICATE OF CONFERENCE**

On August 16, 2011, counsel for Plaintiff conferred with counsel for Defendants. As set forth in the body of this Motion, the parties previously agreed on a proposed Scheduling Order. Furthermore, Plaintiff's counsel has since conferred with Defendants' counsel via telephonic conference, and both have agreed that this Motion is unopposed. Accordingly, this matter is submitted to the Court for consideration.

/s/ Glenn D. Levy  
GLENN D. LEVY

**CERTIFICATE OF SERVICE**

I hereby certify that, pursuant to the Federal Rules of Civil Procedure, a copy of the Plaintiff's Motion to Reconsider Order of Dismissal Without Prejudice was sent via facsimile and email on this 16<sup>th</sup> day of August 2011.

Mr. Donald E. Wilson  
LAW OFFICES OF DONALD E. WILSON  
607 Urban Loop  
San Antonio, Texas 78204

/s/ Glenn D. Levy  
GLENN D. LEVY